



General Assembly

February Session, 2000

Amendment

LCO No. 4701

Offered by:

SEN. CIOTTO, 9th Dist.

REP. COCCO, 127th Dist.

To: Subst. Senate Bill No. 98

File No. 253

Cal. No. 220

"An Act Revising Certain Motor Vehicle Laws."

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- 1 In line 12, strike the brackets around "or motorcycle"
- 2 Strike lines 67 to 82, inclusive, in their entirety, and insert the
- 3 following in lieu thereof:
- 4 "Sec. 4. Subsection (q) of section 14-49 of the general statutes is
- 5 repealed and the following is substituted in lieu thereof:
- 6 (q) The commissioner shall collect a biennial fee of twenty-eight
- 7 dollars for the registration of each motor vehicle used exclusively for
- 8 farming purposes. No such motor vehicle may be used for the purpose
- 9 of transporting goods for hire or taking the on-the-road skills test
- 10 portion of the examination for a motor vehicle operator's license. No
- 11 farm registration shall be issued to any person operating a farm that
- 12 has gross annual sales of less than two thousand five hundred dollars
- 13 in the calendar year preceding registration. The commissioner may
- 14 issue a farm registration for a passenger motor vehicle under such
- 15 conditions as [he] such commissioner shall prescribe in regulations

16 adopted in accordance with chapter 54. No motor vehicle issued a farm
17 registration may be used to transport ten or more passengers on any
18 highway unless such motor vehicle meets the requirements for
19 equipment and mechanical condition set forth in this chapter, and, in
20 the case of a vehicle used to transport more than fifteen passengers,
21 including the driver, the applicable requirements of the Code of
22 Federal Regulations, as adopted by the commissioner, in accordance
23 with the provisions of subsection (a) of section 14-163c. The operator of
24 such motor vehicle used to transport ten or more passengers shall hold
25 a public transportation permit or endorsement issued in accordance
26 with the provisions of section 14-44. Any farm registration used
27 otherwise than as provided by this subsection shall be revoked."

28 In line 97, after "or" insert "brake"

29 After line 602, insert the following:

30 "Sec. 27. Section 14-163b of the general statutes is repealed and the
31 following is substituted in lieu thereof:

32 Any person who is the owner or who becomes the owner of any
33 motor vehicle originally designed for use primarily as an ambulance
34 and who ceases to use such vehicle for its original or former purpose
35 shall remove therefrom all exterior indication of and all exterior
36 equipment solely used or related to the original or former use of such
37 vehicle. The provisions of this section shall not apply to any motor
38 vehicle registered as an antique, rare or special interest motor vehicle,
39 in accordance with section 14-20, as amended by this act.

40 Sec. 28. Subsection (b) of section 14-261b of the general statutes is
41 repealed and the following is substituted in lieu thereof:

42 (b) Notwithstanding the provisions of sections 31-51t to 31-51aa,
43 inclusive, (1) any person employing a driver of a commercial motor
44 vehicle, as defined in section 14-1, operating in intrastate commerce in
45 the state shall require such driver to submit to testing as provided by
46 federal law pursuant to 49 USC [3102] 31306 and 49 CFR Parts 382 and

47 391, and (2) any person employing a driver of a motor vehicle with a
48 gross vehicle weight rating of ten thousand and one pounds or more
49 but not more than twenty-six thousand pounds, a mechanic who
50 repairs or services such a vehicle or a commercial motor vehicle, as
51 defined in section 14-1, or a forklift operator may require such driver,
52 mechanic or operator to submit to testing as provided by federal law
53 pursuant to 49 USC 3102 and 49 CFR Parts 382 and 391.

54 Sec. 29. Subsection (d) of section 14-164c of the general statutes is
55 repealed and the following is substituted in lieu thereof:

56 (d) No motor vehicle shall be operated upon the highways of this
57 state unless such vehicle has evidence of inspection and compliance
58 with subsection (c) of this section in accordance with a schedule for
59 inspection and compliance as established by the commissioner. The
60 commissioner shall grant waivers from compliance with standards for
61 vehicles which fail any required inspection and require an
62 unreasonable cost of repair to bring the vehicle into compliance. The
63 commissioner may determine compliance of a vehicle that has failed a
64 [transient] emissions retest by means of a complete physical and
65 functional diagnosis and inspection of the vehicle, in accordance with
66 the provisions of 40 CFR Part 51.360, showing that no additional
67 emissions-related repairs are needed. [For purposes of this chapter, a
68 transient emissions test or retest means a procedure performed in
69 accordance with the provisions of 40 CFR Part 51.357.] An extension of
70 time, not to exceed the period of inspection frequency, may be granted
71 to obtain needed repairs on a vehicle in the case of economic hardship
72 of the owner. Only one such extension may be granted for any vehicle.
73 The commissioner shall design a sticker to be affixed to the windshield
74 of such vehicle which shall bear the date of expiration of the assigned
75 inspection period on both sides. As used in this section, "unreasonable
76 cost of repair" means cost of repair in excess of the amounts required
77 to be expended by Title 40, Part 51.360 of the Code of Federal
78 Regulations, as amended.

79 Sec. 30. Subsection (e) of section 14-164c of the general statutes is

80 repealed and the following is substituted in lieu thereof:

81 (e) In order to provide for emissions inspection facilities, the
82 commissioner shall enter into a negotiated inspection agreement or
83 agreements, notwithstanding chapters 50, 58, 59 and 60, with an
84 independent contractor or contractors, to provide for the leasing,
85 construction, equipping, maintenance or operation of a system of
86 official emissions inspection stations in such numbers and locations as
87 may be required to provide vehicle owners reasonably convenient
88 access to inspection facilities. The commissioner may employ such
89 system and the services of such contractor or contractors to conduct
90 safety inspections as provided by section 14-16a, as amended by this
91 act, subsection (g) of section 14-12, as amended and section 14-103a.
92 The commissioner is prohibited from entering into an inspection
93 agreement with any independent contractor who: (1) Is engaged in the
94 business of maintaining or repairing vehicles in this state, except that
95 the independent contractor shall not be precluded from maintaining or
96 repairing any vehicle owned or operated by the independent
97 contractor; or (2) does not have the capability, resources or technical
98 and management skill to adequately conduct, equip, operate and
99 maintain a sufficient number of official emissions inspection stations.
100 All persons employed by the independent contractor in the
101 performance of an inspection agreement are deemed to be employees
102 of the independent contractor and not of this state. The inspection
103 agreement or agreements authorized by this section shall be subject to
104 other provisions as follows: (A) [Contracts for performance of
105 inspections for a minimum term of five years; (B)] minimum
106 requirements for staff, equipment, management and hours and place
107 of operation of official emissions inspection stations; [(C)] (B) reports
108 and documentation concerning the operation of official emissions
109 inspection stations as the commissioner may require; [(D)] (C)
110 surveillance privileges for the commissioner to ensure compliance with
111 standards, procedures, rules, regulations and laws; and [(E)] (D) any
112 other provision deemed necessary by the commissioner for the
113 administration of the inspection agreement. Nothing in the inspection

114 agreement shall require the state to purchase any asset or assume any
115 liability if such agreement is not renewed.

116 Sec. 31. Subsection (g) of section 14-164c of the general statutes, as
117 amended by section 18 of public act 99-268 is repealed and the
118 following is substituted lieu thereof:

119 (g) The commissioner, with approval of the Secretary of the Office of
120 Policy and Management, shall establish, and from time to time modify,
121 the inspection fees, not to exceed ten dollars per [inspection] each year
122 of the election cycle, required pursuant to this chapter for inspections
123 performed at official emissions inspection stations. If the costs to the
124 state of the emissions inspection program, including administrative
125 costs and payments to any independent contractor, exceed the income
126 from such inspection fees, such excess costs shall be borne by the state.
127 Any person whose vehicle has been inspected at an official emissions
128 inspection station shall, if such vehicle is found not to comply with any
129 required standards, have the vehicle repaired and have the right
130 within thirty consecutive calendar days to return such vehicle for one
131 reinspection without charge, provided, where the thirtieth day falls on
132 any day when the official emissions inspection station is closed for
133 business, such person may return his vehicle for reinspection on the
134 next day on which such station is open for business. The commissioner
135 shall assess a late fee of twenty dollars for the emissions inspection of a
136 motor vehicle performed at an official emissions inspection station
137 later than thirty days after the expiration date of the assigned
138 inspection period provided the commissioner may waive such late fee
139 when it is proven to his satisfaction that the failure to have the vehicle
140 inspected within thirty days of the assigned inspection period was due
141 to exigent circumstances. If ownership of the motor vehicle has been
142 transferred subsequent to the expiration date of the assigned
143 inspection period and the new owner has such motor vehicle inspected
144 within thirty days of the registration of such motor vehicle, the
145 commissioner shall waive the late fee. If the thirtieth day falls on any
146 day when the official emissions inspection station is closed for
147 business, such vehicle may be inspected on the next day on which such

148 station is open for business and no late fee shall be assessed. [Fifty per
149 cent of such late fees received by the commissioner pursuant to this
150 subsection shall be deposited in the General Fund and the remainder
151 shall be deposited in the Emissions Enterprise Fund.] The ten-dollar
152 fee imposed pursuant to this subsection shall terminate at the
153 expiration of the negotiated agreement in effect [on June 1, 1992] on the
154 effective date of this act. The commissioner shall then establish a
155 temporary inspection fee to remain in effect until such time as the
156 General Assembly establishes a new fee.

157 Sec. 32. Subsection (j) of section 14-164c of the general statutes is
158 repealed and the following is substituted in lieu thereof:

159 (j) No person, firm or corporation shall operate or allow to be
160 operated any motor vehicle that has not been inspected and found to
161 be in compliance with the provisions of subsections (c), (d) and (f) and
162 the regulations adopted by the commissioner. Operation in violation of
163 subsections (c), (d) and (f) and the regulations adopted by the
164 commissioner shall be an infraction for each violation, except that the
165 fine for a first violation shall be thirty-five dollars. [, and the
166 commissioner may suspend the registration of any vehicle in violation
167 of the provisions of said subsections or regulations until the owner has
168 complied with the requirements of this section.] The commissioner
169 may deny the issuance of registration to the owner of a motor vehicle,
170 or the renewal of registration to any such owner, or suspend any
171 registration that has been issued, if such motor vehicle is not in
172 compliance with the inspection requirements of this chapter.

173 Sec. 33. Section 14-10 of the general statutes, as amended by section
174 2 of public act 99-77, section 1 of public act 99-232 and section 28 of
175 public act 99-268, is repealed and the following is substituted in lieu
176 thereof:

177 (a) For the purposes of this section:

178 (1) "Disclose" means to engage in any practice or conduct to make
179 available and make known, by any means of communication, personal

180 information contained in a motor vehicle record pertaining to an
181 individual to any other individual, organization or entity;

182 (2) "Motor vehicle record" means any record that pertains to an
183 operator's license, learner's permit, identity card, registration,
184 certificate of title or any other document issued by the Department of
185 Motor Vehicles;

186 (3) "Personal information" means information that identifies an
187 individual and includes an individual's photograph or computerized
188 image, Social Security number, operator's license number, name,
189 address other than the zip code, telephone number, or medical or
190 disability information, but does not include information on motor
191 vehicle accidents or violations, or information relative to the status of
192 an operator's license, registration or insurance coverage; and

193 (4) ["Consent" means a written authorization signed] "Express
194 consent means an affirmative agreement given by the individual who
195 is the subject of personal information that specifically grants
196 permission to the department to release such information to the
197 requesting party. Such agreement shall (A) be in writing or such other
198 form as the commissioner may determine in regulations adopted in
199 accordance with the provisions of chapter 54, and (B) specify a
200 procedure for the individual to withdraw such consent, as provided in
201 regulations adopted in accordance with the provisions of chapter 54.

202 (b) A number shall be assigned to each motor vehicle registration
203 and operator's license and a record of all applications for motor vehicle
204 registrations and operators' licenses issued shall be kept by the
205 commissioner at the main office of the Department of Motor Vehicles.

206 (c) (1) All records of the Department of Motor Vehicles pertaining to
207 the application for registration, and the registration, of motor vehicles
208 of the current or previous three years shall be maintained by the
209 commissioner at the main office of the department. Any such records
210 over three years old may be destroyed at the discretion of the
211 commissioner. (2) Before disclosing personal information pertaining to

212 an applicant or registrant from such motor vehicle records or allowing
213 the inspection of any such record containing such personal information
214 in the course of any transaction conducted at such main office, the
215 commissioner shall ascertain whether such disclosure is authorized
216 under subsection (f) of this section, and require the person or entity
217 making the request to (A) complete an application that shall be on a
218 form prescribed by the commissioner, (B) provide two forms of
219 acceptable identification and (C) pay a fee of fifteen dollars to the
220 commissioner in addition to any fee required under section 14-50a. An
221 attorney-at-law admitted to practice in this state may provide juris
222 number to the commissioner in lieu of the requirements of
223 subparagraph (B) of this subdivision. The commissioner may disclose
224 such personal information or permit the inspection of such record
225 containing such information only if such disclosure is authorized
226 under subsection (f) of this section.

227 (d) The commissioner may disclose personal information from a
228 motor vehicle record pertaining to an operator's license or a driving
229 history or permit the inspection or copying of any such record or
230 history containing such information in the course of any transaction
231 conducted at the main office of the department only if such disclosure
232 is authorized under subsection (f) of this section. Any such records
233 over five years old may be destroyed at the discretion of the
234 commissioner.

235 (e) In the event (1) a federal court judge, federal court magistrate or
236 judge of the Superior Court, Appellate Court or Supreme Court of the
237 state, (2) a member of a municipal police department or a member of
238 the Division of State Police within the Department of Public Safety, (3)
239 an employee of the Department of Correction, (4) an attorney-at-law
240 who represents or has represented the state in a criminal prosecution,
241 or (5) a member or employee of the Board of Parole submits a written
242 request and furnishes such individual's business address to the
243 commissioner, such business address only shall be disclosed or
244 available for public inspection to the extent authorized by this section.

245 (f) The commissioner may disclose personal information from a
246 motor vehicle record to (1) any federal, state or local government
247 agency in carrying out its functions or to any individual or entity
248 acting on behalf of any such agency, or (2) any individual, organization
249 or entity that signs and files with the commissioner, under penalty of
250 false statement as provided in section 53a-157b, a statement on a form
251 approved by the commissioner, together with such supporting
252 documentation or information as the commissioner may require, that
253 such information will be used for any of the following purposes:

254 (A) In connection with matters of motor vehicle or driver safety and
255 theft, motor vehicle emissions, motor vehicle product alterations,
256 recalls or advisories, performance monitoring of motor vehicles and
257 dealers by motor vehicle manufacturers and removal of nonowner
258 records from the original owner records of motor vehicle
259 manufacturers to implement the provisions of the federal Automobile
260 Information Disclosure Act, 15 USC 1231 et seq., the Motor Vehicle
261 Information and Cost Saving Act, 15 USC 1901 et seq., the National
262 Traffic and Motor Vehicle Safety Act of 1966, 15 USC 1381 et seq., Anti-
263 Car Theft Act of 1992, 15 USC 2021 et seq., and the Clean Air Act, 42
264 USC 7401 et seq., as amended from time to time, and any provision of
265 the general statutes enacted to attain compliance with said federal acts;

266 (B) In the normal course of business by the requesting party, but
267 only to confirm the accuracy of personal information submitted by the
268 individual to the requesting party;

269 (C) In connection with any civil, criminal, administrative or arbitral
270 proceeding in any court or government agency or before any self-
271 regulatory body, including the service of process, an investigation in
272 anticipation of litigation and the execution or enforcement of
273 judgments and orders, or pursuant to an order of any court provided
274 the requesting party is a party in interest to such proceeding;

275 (D) In connection with matters of motor vehicle or driver safety and
276 theft, motor vehicle emissions, motor vehicle product alterations,

277 recalls or advisories, performance monitoring of motor vehicles and
278 motor vehicle parts and dealers, motor vehicle market research
279 activities including survey research, motor vehicle product and service
280 communications, and removal of nonowner records from the original
281 owner records of motor vehicle manufacturers, provided the personal
282 information is not published, disclosed or used to contact individuals
283 except as permitted under subparagraph (A) of this subdivision;

284 (E) By any insurer or insurance support organization or by a self-
285 insured entity or its agents, employees or contractors, in connection
286 with the investigation of claims arising under insurance policies,
287 antifraud activities, rating or underwriting;

288 (F) In providing any notice required by law to owners or lienholders
289 named in the certificate of title of towed, abandoned or impounded
290 motor vehicles;

291 (G) By an employer or its agent or insurer to obtain or verify
292 information relating to a holder of a passenger endorsement or
293 commercial driver's license required under the federal Commercial
294 Motor Vehicle Safety Act of 1986, 49 USC 2304 et seq., and sections 14-
295 44 to 14-44m, inclusive, as amended;

296 (H) In connection with any lawful purpose of a labor organization,
297 as defined in section 31-77, provided (i) such organization has entered
298 into a contract with the commissioner, on such terms and conditions as
299 the commissioner may require, and (ii) the information will be used
300 only for the purposes specified in the contract other than campaign or
301 political purposes;

302 (I) For bulk distribution for surveys, marketing or solicitations
303 provided the commissioner has [entered into a contract with the
304 requesting individual, organization or entity under the provisions of
305 subsection (b) of section 14-50a and the Department of Motor Vehicles
306 has implemented methods and procedures that ensure that (i)
307 individuals are provided an opportunity, in a clear and conspicuous
308 manner, to prohibit such uses, and (ii) the information will be used

309 only for the purposes specified in the contract, and such surveys,
310 marketing and solicitations will not be directed to any individual who
311 has requested in a timely manner that such material not be directed to
312 such individual.] obtained the express consent of the individual to
313 whom such personal information pertains;

314 (J) For the purpose of preventing fraud by verifying the accuracy of
315 personal information contained in a motor vehicle record, including an
316 individual's photograph or computerized image, as submitted by an
317 individual to a legitimate business or an agent, employee or contractor
318 of a legitimate business, provided the individual has provided express
319 consent in accordance with subdivision (4) of subsection (a) of this
320 section.

321 (g) Any person receiving personal information from a motor vehicle
322 record pursuant to subsection (f) of this section shall be entitled to use
323 such information for any of the purposes set forth in said subsection.

324 (h) Notwithstanding any provision of this section, the disclosure of
325 personal information from a motor vehicle record pursuant to
326 subsection (f) of this section shall be subject to the provisions of section
327 14-50a concerning (1) the fees that shall be charged for copies of or
328 information pertaining to motor vehicle records and (2) the authority
329 of the commissioner to establish fees for information furnished on a
330 volume basis in accordance with such terms and conditions regarding
331 the use and distribution of such information as the commissioner may
332 prescribe.

333 [(i) Notwithstanding the provisions of this section, the
334 commissioner shall not, on or before June 30, 2000, offer for sale or sell
335 individual photographs or computerized images collected for the
336 purpose of producing motor vehicle operator licenses.]

337 [(j)] (i) Notwithstanding any provision of this section that restricts or
338 prohibits the disclosure of personal information from a motor vehicle
339 record, the commissioner may disclose personal information contained
340 in any such record to any individual who is the subject of such

341 personal information or to any person who certifies under penalty of
342 false statement that such person has obtained the express consent of
343 the subject of such personal information.

344 [(k)] (j) The commissioner may adopt regulations in accordance with
345 chapter 54 to implement the provisions of this section.

346 Sec. 34. Subsection (h) of section 14-253a of the general statutes, as
347 amended by sections 25 and 44 of public act 99-268, is repealed and the
348 following is substituted in lieu thereof:

349 (h) Parking spaces designated for the handicapped on or after
350 October 1, 1979, shall be as near as possible to a building entrance or
351 walkway and shall be [sixteen] fifteen feet wide including [seven]
352 three feet of cross hatch, or parallel to a sidewalk on a public highway.
353 Such spaces shall be designated by above grade signs with white
354 lettering against a blue background and shall bear the words
355 "handicapped parking permit required" and "violators will be fined".
356 Such sign shall also bear the international symbol of access. When such
357 a sign is replaced, repaired or erected it shall indicate the minimum
358 fine for a violation of subsection (f) of this section. Such indicator may
359 be in the form of a notice affixed to such a sign.

360 Sec. 35. Subdivision (61) of subsection (a) of section 14-1 of the
361 general statutes is repealed and the following is substituted in lieu
362 thereof:

363 (61) "Person" includes any individual, corporation, limited liability
364 company, association, copartnership, company, firm, business trust or
365 other aggregation of individuals but does not include the state or any
366 political subdivision thereof, unless the context clearly states or
367 requires.

368 Sec. 36. This act shall take effect from its passage except that sections
369 1 to 31, inclusive, and sections 33 and 36 shall take effect October 1,
370 2000."